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ORDINANCE NO. 357

(As amended by Ordinance 378, 404, 406, 415, 436, 446, 449, 452, 468, 476, and 481)

AN URGENCY ORDINANCE REGULATING THE USE OF PUBLIC SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, EXTENSIONS, PROVIDING PERMITS AND FIXING FEES FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, ESTABLISHING CHARGES FOR ANNEXED AREAS AND SUBDIVISIONS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PROCEDURES AND PENALTIES FOR THE ENFORCEMENT OF VIOLATIONS OF THE PROVISIONS THEREOF WITHIN THE CITY OF BLUE LAKE, HUMBOLDT COUNTY, CALIFORNIA

THE CITY COUNCIL of the City of Blue Lake, Humboldt County, California does ordain as follows:

ARTICLE I.
GENERAL PROVISIONS

101. REPEAL. Ordinances number 136 as amended and number 270 as amended are hereby repealed.

102. SHORT TITLE. This ordinance shall be known as the "SANITARY CODE OF THE CITY OF BLUE LAKE."

103. RULES AND REGULATIONS. The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the City are hereby adopted and all work in respect thereto shall be performed as herein required and not otherwise.

104. PURPOSE. The provisions of this ordinance set uniform requirements for discharges into the wastewater collection and treatment system and enable the City to comply with the administrative regulations of the state, the water quality requirements set by the State Regional Water Quality Control Board, and applicable effluent limitations, national standards of performance, toxic pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems. The provisions of this ordinance provide for the setting

of user charges and fees for the equitable distribution of costs to all users and the issuance of permits to certain users. Revenues derived from the application of the provisions of this ordinance shall be used to defray the City's cost of operating and maintaining an adequate wastewater collection treatment and disposal system and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation. This ordinance shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

This ordinance shall be interpreted in accordance with the definitions set forth herein. The provisions of this ordinance shall apply to the direct or indirect discharge of all wastes to facilities of the City. This ordinance provides for the regulation of sewer construction, the quantity and quality of discharge wastes, the degree of waste pretreatment required, the approval of plans for sewer construction, the issuance of permits for industrial wastewater discharge and of other miscellaneous permits, and the establishment of penalties for violation of this ordinance.

105. POLICY. The City operates systems of trunk and collector sewers serving homes, businesses, commercial establishments and industry located inside and outside of the boundaries of the City of Blue Lake. Also, the City has built and operates wastewater treatment and disposal facilities. The City now provides and will continue to provide sewage collection services to those dischargers outside of the City limits. However, those users will pay for the cost of fixed works improvements to the nearest City collection point and shall reimburse the City for any costs incurred or necessary to be incurred by the City as a result of the additional connection. In addition, sewage rates for those connections outside of the City limits shall be established to contribute to the payment of previous fixed work in the sewage treatment plant which were previously financed by the City.

The highest and best use of the City's sewage system is the conveyance, treatment and disposal of domestic wastewater. The use of the City's sewage system for industrial wastewater discharges is subject to further regulations by the City. Optimum use of the facilities of the City may necessitate that the City require certain industrial wastewaters to be discharged during periods of low flow in the sewerage systems of the City.

Generally, liquid wastes originating within the City's boundaries will be removed by the City's sewage system provided the wastes will not (1) damage structures, (2) create nuisances such as odors, (3) menace public health, (4) impose unreasonable collection, treatment or disposal on the City, (5) interfere with wastewater treatment processes, (6) exceed quality requirements set by regulatory government agencies, or (7) detrimentally affect the local environment.

To comply with stated policies of the federal government, state government and to permit the City to meet increasingly higher standards of treatment plant effluent quality, provisions are made in this ordinance for the regulation of industrial wastewater discharges. This ordinance establishes quantity and quality limitations on industrial wastewater discharges which may inadvertently affect the sewage system or effluent may adversely affect the City's sewage system or effluent quality.

106. **URGENCY ORDINANCE.** This is an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Section 36937 and shall go into effect immediately. The facts constituting the necessity are as follows:

Ultrapower 3, a joint venture, is the first major industrial user to discharge wastewater into the Blue Lake wastewater collection and treatment system and is scheduled to commence full-time operation on approximately September 15, 1985. The current Sanitary Code of the City of Blue Lake does not adequately provide the necessary monitoring and protection guidelines, standards, rules, and regulations necessary to protect the Blue Lake sewage system, nor does the current Sewer Service Charge Ordinance establish fair and equitable rates and charges, for the expected industrial wastewater use. It is urgent that this ordinance go into effect prior to the full-time operation of Ultrapower 3.

107. **SERVICE OUTSIDE CITY.** The City Council finds that the provision of sewer service outside of the City limits involves additional costs, charges, and risks in connection with operating and maintaining the system. The additional costs include, but are not limited to, obtaining rights-of-way and/or encroachment permits from other agencies, such as the County of Humboldt, and complying with their regulatory requirements and standards. The City Council also finds that a portion of the general taxes received from City residents offsets and defrays a part of the costs of sewer system installation, maintenance, operation, and repair. To equalize the costs of service provided within the City and outside the City, the City Council finds that increasing the connection fees to residences located outside the City by a factor of approximately twenty percent is reasonably required. (Added by Ord. 446)

ARTICLE II.

DEFINITIONS

201. **ADDITIONAL DEFINITIONS.** For the purpose of this ordinance, additional terms shall have the meaning indicated in the most recent edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.

202. **APPLICANT** is the person making application for a permit for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested, or his/her authorized agent.

203. **BENEFICIAL USES** are uses of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural, and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible

or intangible, as specified by federal, state or local laws.

204. BUILDING is any structure used for human habitation or a place of business, recreation or for other purposes containing sanitary facilities.

205. BUILDING SEWER is that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.

206. CITY is the City of Blue Lake, Humboldt County, California.

207. CITY ENGINEER is the Engineer appointed by and acting for the Council and shall be a Registered Civil Engineer.

208. CITY INSPECTOR is the Director of Public Works or his/her authorized representative who may perform the duties of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, and facilities.

209. CLERK is the Clerk of said City.

210. COMBINED SEWER shall mean a sewer receiving both surface runoff and sewage.

211. COMMUNITY SEWER shall mean a sewer owned and operated by the City. Building sewers connecting building drains to a community sewer are not public sewers although they may be partially located in a public right-of-way or easement.

212. COMPATIBLE POLLUTANT shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the City's National Pollutant Discharge Elimination System (NPDES) permit if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.

213. CONTAMINATION shall mean an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

214. CONTRACTOR is an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

215. COUNCIL is the City Council of said City.

216. COUNTY is the County of Humboldt, California.

217. CRITICAL USER shall mean a user who is required to obtain a permit as set forth in Article IX of this ordinance.

218. DIRECTOR OF PUBLIC WORKS is the person appointed by the Council to administer and enforce the rules and regulations of the City.

219. FEDERAL ACT shall mean the Federal Water Pollution Control Act, PL 92-500, and any amendments thereto, as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to said Act.

220. FIXTURE shall mean any sink, tub, shower, water closet or other facility connected by a drain to the sewer.

221. GARBAGE shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

222. HOLDING TANK WASTE shall mean any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

223. INCOMPATIBLE POLLUTANT shall mean any pollutant which is not a compatible pollutant as defined in this ordinance. The pretreatment standard for incompatible pollutants introduced into a publicly-owned treatment works by a major contributing industry, not subject to the provisions of subsection (c) of Section 307 of the Federal Act, shall be for sources within the corresponding industrial or commercial category, that have been established by a promulgated effluent-limitations-guideline, defined as the best practicable control technology currently available, pursuant to the provisions of subsection (b) of Section 301 and subsection (b) of Section 304 of the Federal Act; provided, however, if the publicly-owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided, further, that even when the effluent limitations guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guideline to pretreatment.

224. INDUSTRIAL WATERS are the liquid wastes from industrial processes as distinct from sewage.

225. LATERAL SEWER is a portion of the sewer line within a public street connecting a building sewer to the main sewer.

226. MAIN SEWER is a public sewer designed to accommodate more than one lateral sewer.

227. MANAGER shall mean the Director of Public Works or his/her designated

representative.

228. MASS EMISSION RATE shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

229. MULTIPLE DWELLING is a building for residential purpose containing more than one kitchen or having facilities for the occupancy of more than one person or family, including but not limited to the following:
hotels, motels, mobile home parks, apartment houses, duplex, rooming houses, boarding houses and dormitories.

230. NUISANCE shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

231. OUTSIDE SEWER is a sanitary sewer beyond the limits of the City not subject to the control or jurisdiction of the City.

232. OWNER means the person owning the fee title, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself/herself, or as executor, administrator, guardian or trustee of the owner.

233. PERMIT is any written authorization required pursuant to this or any other regulation or ordinance of City for the installation of any sewage work.

234. PERSON is any human being, firm, company, partnership, association and private, public, or municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

235. POLLUTION shall mean an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

236. PREMISES shall mean a parcel of real estate, including any improvements thereon, which parcel is determined by the City to be a single user for the purposes of receiving, using, and paying for services.

237. PRIVATE SEWER is one which has an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings.

238. PUBLIC SEWERS shall mean a sewer line within a street or easement and which is controlled by or under the jurisdiction of the City.

239. REPORT means the report referred to in Section 5473 of the Health Safety Code of the State of California.

240. SANITARY SEWER shall mean a sewer which carries sewage into which storm, surface and groundwaters are not intentionally admitted.

241. SEWAGE is a combination of water-carried wastes from buildings, residences, institutions and industrial establishments connected to sewage works of City or from any private sewer.

242. SEWAGE TREATMENT PLANT shall mean an arrangement of devices and structures used for treating sewage.

243. SEWAGE WORKS are all facilities for collecting, pumping, treating and disposing of sewage.

244. SEWER shall mean a pipe or conduit for carrying sewage.

245. SEWER SERVICE CHARGES mean fees, tolls, rates, rentals or other charges for services and facilities furnished by City in connection with its sanitation or sewage system.

246. SIDE SEWERS shall mean the sewer line beginning at the foundation wall of any building and terminating at the main sewer, and includes the building sewer and lateral sewers together.

247. SINGLE FAMILY UNIT is defined to mean and refer to the place of residence for a single family.

248. STORM SEWER OR STORM DRAIN shall mean a conduit which carries surface or groundwaters and drainage but excludes sewage and polluted industrial wastes.

249. STREET is any public highway, road, street, alley, avenue, way, public place, public easement or right-of-way.

250. UNPOLLUTED WATER shall mean water in which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

251. USER shall mean any person who discharges or causes or permits the discharge of wastewater into a community sewer.

252. USER CLASSIFICATION shall mean a classification of a user based on the 1972 Edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

253. WASTE shall mean and include sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purposes of, disposal.

254. WASTEWATER shall mean waste and water, whether treated or untreated, discharged into or permitted to enter into a community sewer.

255. WASTEWATER CONSTITUENTS AND CHARACTERISTICS shall mean individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater. Unless otherwise defined in this section, the terms used in defining parameters shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by standard methods, unless expressly stated, or as established by federal or state regulatory agencies.

256. WATERS OF THE STATE shall mean any water, surface or underground, including saline waters within the boundaries of the state.

ARTICLE III. USE OF PUBLIC SEWERS REQUIRED

301. DISPOSAL OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of said City, human or animal excrement, garbage, or other objectionable waste.

302. TREATMENT OF WASTES REQUIRED. It shall be unlawful to discharge to any stream or water course any garbage, sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided and required approvals and permits have been obtained in accordance with provisions of this ordinance and state and federal law.

303. UNLAWFUL DISPOSAL. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage within the City limits.

304. OCCUPANCY PROHIBITED. No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the City.

305. SEWER REQUIRED. The owner of any building situated within the City and abutting on any street in which there is a public sewer of the City, is hereby required at his/her expense to connect said building directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building to be sewered.

306. VIOLATION UNLAWFUL. Following the effective date of this ordinance, it shall be unlawful for any person whose building is required to be connected to a public sewer under this ordinance to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to a public sewer in the manner as in this ordinance provided.

ARTICLE IV. PRIVATE SEWAGE DISPOSAL

401. SEWER NOT AVAILABLE. Where a public sewer is not available under the provisions of Article III, within the City limits, the building's sewer shall be connected to a private sewage disposal system complying with the rules, regulations and ordinances of the City.

402. PERMIT REQUIRED. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Director of Public Works. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement with plans, specifications and other information as or deemed necessary by the Director of Public Works. A permit and inspection fee shall be paid to the City at the time application is filed in accordance with the provisions of Article IX of this ordinance.

403. INSPECTION REQUIRED. Permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Public Works. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours, Sundays and holidays excluded, of the receipt of the notice by the City.

404. DESIGN REQUIREMENTS. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of California, the sewage disposal regulations of the Humboldt-Del Norte Department of Public Health, and the Uniform Plumbing Code. Where requirements conflict, the most restrictive requirements shall govern. No permit shall be issued for any private sewage disposal system not

meeting these requirements. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or water course.

405. ABANDONMENT OF FACILITIES. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of the City. Where a private sewage disposal system is abandoned following connection with a public sewer, the applicant making the connection shall fill the abandoned septic tank or other system as required by the County of Humboldt -Department of Environmental Health within thirty (30) days from the time of connecting to the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in a manner approved by the Director of Public Works within five (5) feet of the property line.

406. COST OF MAINTENANCE BY OWNER. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

407. ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any other agency with jurisdiction.

ARTICLE V. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

501. PERMIT REQUIRED. In accordance with Article IX of this ordinance, no person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required herein.

502. DESIGN AND CONSTRUCTION REQUIREMENTS. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and in accordance with the Uniform Plumbing Code.

503. SEPARATE SEWERS. No two buildings shall be permitted to join in the use of the same side sewer. Every building or industrial facility shall be separately connected with the public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, the City may, in the sole discretion of the Director of Public Works, for good cause shown and subject to such conditions as the Public Works Director may deem appropriate, allow two or more buildings located on property belonging to the same owner to be served with the same side sewer, provided the property cannot be subdivided into smaller legal-sized lots. (as amended by Ord. 468)

504. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Director of Public Works, to meet all requirements of City.

505. SEWER TOO LOW. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, the sewage carried by such building sewer shall be lifted to the public sewer at the expense of the owner by artificial means approved by the Director of Public Works.

506. CONNECTION TO PUBLIC SEWER. The connection of the building sewer into a lateral sewer shall be made in strict accordance with City specifications and at the applicant's expense. The connection to the lateral sewer shall be made in the presence of the Director of Public Works and under his/her supervision and direction. Any damage to the lateral sewer shall be repaired to the satisfaction of the Director of Public Works at the cost of the owner.

507. CLEANOUTS. Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. All cleanouts shall be maintained watertight.

508. MAINTENANCE OF BUILDING SEWER. Building sewers shall be maintained by the owner of the property served thereby.

509. TESTING. All building sewers and lateral sewers shall be tested in strict accordance with standard City specifications.

ARTICLE VI. PUBLIC SEWER CONSTRUCTION

601. PERMIT REQUIRED. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required herein. The provision of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the City.

602. PLANS, PROFILES AND SPECIFICATIONS REQUIRED. The application for permit for public sewer construction shall be accompanied by three (3) complete sets of plans, profiles and specifications, complying with all the applicable ordinances, rules and regulations of the City, prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground and existing facilities. The application shall be submitted to the City Clerk and then shall be examined by the Director of Public Works who shall review them within twenty (20) days of submission. The Director of Public Works may require the application

documents to be modified as he/she deems necessary to ensure proper installation of the proposed facilities. After examination by the City Engineer, the application shall be submitted to the Council at its next regular meeting for consideration. When the Council is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees, and furnishing bonds as required by the Council. The permit shall prescribe such terms and conditions as the Council finds necessary in the public interest.

603. SUBDIVISIONS. The requirements of Sections 601 and 602 of this ordinance shall be fully complied with before any final subdivision map shall be approved by the City. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed on the permit, the Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

604. EASEMENTS OR RIGHTS-OF-WAY. In the event that an easement is required for the extension of the public sewer for the making of connections, the applicant shall procure and have accepted by the Council, a proper easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection, but not to be less than fifteen (15) feet in width unless approved by the City Council.

605. PERSONS AUTHORIZED TO PERFORM WORK. Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor. Requirements of this section shall apply to side sewers installed concurrently with public sewer construction.

606. GRADE STAKES. Grade and line stakes shall be set by a Registered Civil Engineer prior to start of work on any public sewer construction. The contractor shall be responsible for accurate placement of the sewer invert.

607. COMPLIANCE WITH LOCAL REGULATIONS. Any person constructing a sewer within a street shall comply with all state and City laws, ordinances, rules and regulations pertaining to the cutting of pavement, safety, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof, and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the City.

608. PROTECTION OF EXCAVATION. The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. The plans shall contain identification of the types, sizes and locations of such barriers, lights and signs. Plans shall, in addition, contain general traffic routing conditions and specific traffic control plans in those areas

required by the City. The applicant shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the City or any other person having jurisdiction thereover.

609. DESIGN AND CONSTRUCTION STANDARDS. Minimum standards for the design and construction of sewers within the City shall be in accordance with the applicable provisions of the ordinances, rules, regulations and with the City of Blue Lake, "Specifications for Sewer Construction," heretofore or hereafter adopted by Council, copies of which are on file in the office of the City Clerk. The City Engineer, with the consent of the City Council, may permit modifications or may require higher standards where unusual conditions are encountered.

Three (3) complete sets of as-built drawings showing the actual locations of all mains, structures, wyes, laterals, cleanouts and manholes shall be filed with the City before final acceptance of the work.

610. COMPLETION OF SEWER REQUIRED. Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the "Specifications for Sewer Construction," and to the satisfaction of the City Engineer.

ARTICLE VII. USE OF PUBLIC SEWERS

701. DISCHARGE OF RAINWATER OR UNCONTAMINATED WATER PROHIBITED. No person shall discharge or cause to be discharged any rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays, any excessive amount of steam condensate or cooling water, deionized water, or distilled water, or any other uncontaminated water into any sewage facility which directly or indirectly discharges to facilities owned by the City.

702. PROHIBITED WASTE DISCHARGES.

(a) No person shall discharge to a community sewer wastes which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

(1) A fire or explosion;

(2) An obstruction of the flow in a sewer system or injury to the system or damage to the wastewater collection, treatment, or disposal facilities;

- (3) Danger to life or the safety of personnel;
 - (4) A nuisance or prevention of the effective maintenance or operation of the sewer system through having a strong, unpleasant odor;
 - (5) Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
 - (6) Interference with the wastewater treatment process;
 - (7) The City's effluent, or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
 - (8) A detrimental environmental impact, or a nuisance in the waters of the state, or a condition unacceptable to any public agency having regulatory jurisdiction over the City;
 - (9) Discoloration or any other condition in the quality of the City's treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met;
 - (10) Conditions at or near the City's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body; and
 - (11) Quantities or rates of flow which overload the City's collection or treatment facilities, or cause excessive City collection or treatment costs, or may use a disproportionate share of the City facilities.
- (b) No person shall discharge, or cause to be discharged, to a public sewer which directly or indirectly connects to the City sewerage systems, the following wastes:
- (1) Any waste having a temperature of 120 degrees Fahrenheit or higher;
 - (2) Any gasoline, benzene, naptha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the sewage system;
 - (3) Any waste containing toxic or poisonous solids, liquids or gases in such quantities that alone, or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system;
 - (4) Any waste having a pH lower than 6.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause

damage to structures, equipment or other physical facilities of the sewerage system;

(5) Any solid or viscous substances of such size or in such quantities that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers or other similar paper products, either whole or ground;

(6) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations;

(7) Any non-biodegradable cutting oils, commonly called soluble oil, which form persistent water emulsions;

(8) Any non-biodegradable oil, petroleum oil or refined petroleum products;

(9) Any disbursed biodegradable oils and fats, such as lard, tallow or vegetable oil in excessive concentrations that would tend to cause adverse effects on the sewerage system;

(10) Any waste with an excessively high concentration of cyanide;

(11) Any large amounts of undissolved or dissolved solids;

(12) Any wastes with excessively high BOD, COD or decomposable organic content;

(13) Any strongly odorous wastes or waste tending to create odor;

(14) The contents of a swimming pool into a sanitary sewer;

(15) Any wastes containing over 0.1 milligram per liter of dissolved sulfides;

(16) Any wastes with a pH in excess of 9.0 or high enough to cause alkaline encrustations on sewer walls;

(17) Any wastes requiring an excessive quantity of chlorine or any other chemical compound used for disinfection purposes;

(18) Any excessive amounts of chlorinated hydrocarbon or organic phosphorous-type compound;

(19) Any waste containing substances that may precipitate, solidify or become

viscous at temperatures between 50 and 100 degrees Fahrenheit;

(20) Any waste producing an excessive discoloration of wastewater or treatment plant effluent;

(21) Any garbage or waste that is not ground sufficiently to pass through a 3/8-inch screen;

(22) Any wastes containing excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, arsenic or any other objectionable materials toxic to humans, animals, the local environment or to biological or other wastewater treatment processes;

(23) Any blowdown or bleed water from cooling towers or other evaporative coolers exceeding 1/3 of the makeup water;

(24) Any single pass cooling water;

(25) Recognizable portions of the human anatomy;

(26) Any septic tank wastes;

(27) Any radioactive waste;

(28) Waste from garbage grinders shall not be discharged into a community sewer except:

a. Wastes generated in the preparation of food normally consumed on the premises; or

b. Where the user has obtained a permit for that specific use from the City and agrees to undertake whatever self-monitoring is required to enable the City to equitably determine the user charges based on the waste constituents and characteristics.

Such grinders shall shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

(29) Any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon a written application by the user and the payment of the applicable user charges and fees, the City issues a permit for such direct discharges.

(c) No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the City's sewerage system waste, if in the opinion of the City Engineer such wastes may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property, or may otherwise endanger the public, the local environment or create a public nuisance. The City Engineer, in determining acceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment and disposal system available to accept the waste.

703. INTERCEPTORS REQUIRED. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be a type and capacity approved by the Director of Public Works and shall be readily and easily accessible for cleaning and inspection.

704. MAINTENANCE OF INTERCEPTORS. All grease, oil and sand interceptors shall be maintained by the owner, at his/her expense, and shall have continuously efficient operation at all times.

705. MAINTENANCE OF BUILDING SEWERS. All users shall keep, operate, and maintain their building sewer connections, including that portion thereof within a public right-of-way, in good order and condition and free of roots, grease, sand, and other nonstructural related obstructions and shall be liable for damages which may result from their failure to do so. Upon the final acceptance by the City of the work of the installation of that portion of the building sewer within a public right-of-way, the City shall assume the responsibility for the repair or replacement of said portion of the building sewer which is necessitated or caused by structural failure. The Director of Public Works shall have the sole authority to determine whether an obstruction in a building sewer is the result of structural or nonstructural causes. The Director of Public Works shall be admitted at all reasonable hours to all parts of any premises connected with the sewerage system for the purposes of checking the fixtures and the establishment of service charges as provided in this ordinance.

ARTICLE VIII. INDUSTRIAL WASTEWATERS

801. PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE. No person shall discharge or cause to be discharged any industrial wastewaters directly or indirectly to sewerage facilities owned by the City without first obtaining a City "Permit for Industrial Wastewater Discharge." Refer to Article XV for copies of permit applications.

The “Permit for Industrial Wastewater Discharge” may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of the ordinance.

No City “Permit for Industrial Wastewater Discharge” is transferable without the prior written consent of the City.

No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the “Permit for Industrial Wastewater Discharge.”

802. **PROCEDURE FOR OBTAINING A CITY “PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE.”** Applicants for a “Permit for Industrial Wastewater Discharge” shall complete the City’s application form available at the office of the City Clerk. The City may require additional information on the characteristics of the wastewater discharge beyond that required on the application form.

Upon receipt of all required information, the application shall be processed and upon approval be signed by the Director of Public Works, and one copy returned to the applicant. When properly signed, the application form shall constitute a valid “Permit for Industrial Wastewater Discharge.”

The application shall be approved if the applicant has complied with all applicable requirements of this ordinance and furnished to the City all requested information and if the City Engineer determines that there is adequate capacity in the City’s facilities to convey, treat and dispose of the wastewaters.

803. **CHANGE OF INDUSTRIAL WASTEWATER PERMIT RESTRICTIONS.** The City may change the restrictions or conditions of a “Permit for Industrial Wastewater Discharge” from time to time as circumstances may require. The City shall allow an industrial discharger a reasonable period of time to comply with any changes in the “Permit for Industrial Wastewater Discharge” required by the City.

804. **SUSPENSION OF PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE.** The Director of Public Works may suspend a “Permit for Industrial Wastewater Discharge” for a period not to exceed forty-five (45) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety or welfare, to the local environment or to the City’s sewerage system.

Any discharger notified of a suspension of his/her “Permit for Industrial Wastewater Discharge” shall immediately cease and desist the discharge of all industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension

order, the Director of Public Works shall take such steps as are reasonably necessary to insure compliance.

The Director of Public Works shall reinstate the “Permit for Industrial Wastewater Discharge” upon proof of satisfactory compliance with all discharge requirements of the City.

805. REVOCATION OF PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE. The City may revoke a “Permit for Industrial Wastewater Discharge” upon a finding that the discharger has violated any provision of this ordinance.

Any discharger whose “Permit for Industrial Wastewater Discharge” has been revoked shall immediately stop all discharge of any liquid-carried wastes covered by the permit to any public sewer. The Director of Public Works may disconnect or permanently block from such public sewer the industrial connection sewer of any discharger whose permit has been revoked if such action is necessary to ensure compliance with the order of revocation.

806. PROHIBITED INDUSTRIAL WASTE DISCHARGES. All discharges prohibited by Section VII are included herein as prohibited industrial waste discharge.

807. AVAILABILITY OF CITY’S FACILITIES. If sewerage capacity is not available, the City may require the industrial wastewater discharger to restrict his/her discharge until sufficient capacity can be made available. When requested, the City will advise persons desiring to locate new facilities as to the areas where industrial wastewater of their proposed quantity and quality can be received by available sewerage facilities. The City may refuse service to persons locating facilities in areas where their proposed quantity or quality of industrial wastewater is unacceptable in the available treatment facility.

808. LIMITATION ON WASTEWATER STRENGTH.

(a) No person shall discharge wastewater containing in excess of:

- (1) 0.1 mg/1 arsenic;
- (2) 0.2 mg/1 cadmium;
- (3) 2.0 mg/1 copper;
- (4) 1.0 mg/1 cyanide;
- (5) 1.0 mg/1 lead;
- (6) 0.01 mg/1 mercury;
- (7) 1.0 mg/1 nickel;
- (8) 0.2 mg/1 silver;
- (9) 0.5 mg/1 total chromium; and
- (10) 3.0 mg/1 zinc.

(b) No person shall discharge any wastewater:

- (1) Containing more than 300 mg/1 of oil or grease of animal or vegetable origin;
- (2) Containing more than 100 mg/1 of oil or grease of mineral or petroleum origin;
- (3) Containing in excess of two-hundredths (0.02) mg/1 total identifiable chlorinated hydrocarbons which cannot be removed by the City's wastewater treatment process; and
- (4) Containing in excess of 1.0 mg/1 phenolic compounds which cannot be removed by the City's wastewater treatment process.

(c) Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those set forth in this ordinance. Under subsection (b) of Section 307 of the Federal Act, federal pretreatment standards are designed to achieve two (2) purposes: (1) to protect the operation of publicly-owned treatment works; (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to the effluent guidelines issued under subsection (b) of Section 304 of the Federal Act, which users are discharging incompatible pollutants to publicly-owned treatment works, shall be required to adopt the best practicable control technology currently available, as defined by the Administrator pursuant to the provisions of subsection (b) of Section 304 of the Federal Act. Where the City treatment works was designed to and does achieve substantial removal of pollutants, other than the four (4) pollutants listed in the definition for compatible pollutants in Article II, (BOD, suspended solids, pH, and fecal coliform bacteria), it is not appropriate to require the industrial user to achieve the best practicable control technology currently available since this would lead to an uneconomical duplication of treatment facilities. While the term "substantial removal" is not subject to precise definition, it generally contemplates removals in the order of eighty percent (80%) or greater. Minor incidental removals in the order of ten percent (10%) to thirty percent (30%) shall not be considered "substantial." For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into publicly-owned treatment works. However, any adjustments, required for particular industrial categories, should be considered in connection with the City's requirements rather than in the national pretreatment standard. The limitations set forth for wastewater strength in subsections (a) and (b) of this article may be supplemented with more stringent limitations as recommended by the City Engineer and as approved by the City Council, provided;

(1) The City determines that the limitation set forth in this article may not be sufficient to protect the operation of the City's treatment works; or

(2) The City determines that the limitations set forth in this article may not be sufficient to enable the City's treatment works to comply with water quality standards or effluent limitations specified in the City's NPDES permit.

809. PRELIMINARY TREATMENT OF WASTES. The admission into the public sewers of any waters or wastes having (a) a 5-day biochemical oxygen demand (BOD) greater than 250 milligrams per liter, or (b) containing more than 250 milligrams per liter of suspended solids, or (c) containing any quantity of substances having the characteristics described in Section 808, or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow of the City, shall be subject to the review and approval of the Director of Public Works. Where necessary, in the opinion of the Director of Public Works, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (i) reduce the BOD to 300 milligrams per liter and the suspended solids to 350 milligrams per liter, or (ii) reduce objectionable characteristics or constituents to within the maximum limits provided for in this article, or (iii) control the quantity and rates of discharge of such water or wastes.

An industrial wastewater pretreatment system or device may be required by the City Engineer to treat industrial flows prior to discharge to the sewer when it is necessary to restrict or prevent the discharge to the sewer of certain waste constituents, to distribute more equally over a longer time period any peak discharges of industrial wastewaters or to accomplish any pretreatment result required by the City Engineer. All pretreatment systems or devices shall be approved by the City Engineer but such approval shall not absolve the industrial discharger of the responsibility of meeting any industrial effluent limitation required by the City. All pretreatment designs shall have plans prepared and be signed by an engineer of suitable discipline, licensed in the State of California. Construction of said facilities shall not be commenced until said approvals are obtained in writing.

Normally, a gravity separation interceptor, equalizing tank, neutralization chamber and control manhole will be required, respectively, to remove prohibited settleable and floatable solids, to equalize wastewater streams varying greatly in quantity and/or quality, to neutralize low or high pH flows and to facilitate inspection, flow measurement and sampling.

810. FLOOR DRAINS. Floor drains from commercial or manufacturing buildings, warehouses or multi-use structures shall not discharge directly to the sewer, but shall first discharge to a gravity separation interceptor.

811. MAINTENANCE OF PRETREATMENT FACILITIES. Where required by the City, preliminary treatment facilities for any water or wastes shall be maintained continuously in satisfactory and effective operation by the owner, at his/her expense, and to the satisfaction of the City.

812. CONTROL MANHOLE AND SEPARATION OF DOMESTIC AND INDUSTRIAL WASTEWATERS. All domestic or sanitary wastewaters from rest rooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device.

A control manhole of a design approved by the City Engineer shall be furnished and installed, when required by the City, to facilitate inspection, sampling and flow measurements by personnel

of the City. This control manhole shall be located off the industrial premise or, if within the plant fence, a special locked gate adjacent to the manhole and at a location approved by the City shall be provided, with keys to the gate lock given to the City. Unrestricted access to this control manhole shall be available to authorized personnel of the City at all times. The control manhole may be used as a junction manhole for domestic sewage and industrial wastes provided the junction occurs downstream of the sampling or flow measuring point.

813. **MONITORING FACILITIES.** The City may require the user to construct, at his/her own expense, monitoring facilities to allow inspections, sampling, and the flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that the facility will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for City personnel, such as a gate secured with a City lock. There shall be ample room in or near such sampling manhole to allow the accurate sampling and compositing of samples for analysis. The manhole, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City, unless a time extension is otherwise granted by the City.

814. **INDUSTRIAL WASTEWATER SAMPLING, ANALYSIS AND FLOW MEASUREMENTS.** Periodic measurements of flow rates, flow volumes, COD and suspended solids for use in determining the annual industrial wastewater treatment charge and such measurements of other constituents believed necessary by the City Engineer shall be made by all industrial wastewater dischargers, unless specifically relieved of such obligation by the City Engineer.

All wastewater analyses shall be conducted in accordance with the appropriate procedure contained in Standard Methods for the Examination of Water and Wastewater. If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure judged satisfactory by the City Engineer shall be used to measure wastewater constituents.

815. **INSPECTIONS AND SAMPLING.** The City may inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspections or sampling or in the performance of any of their duties. Where a user

has security measures in force which would require proper identification and clearance before entry onto the premises, the user shall make the necessary arrangements with the security guards so that, upon the presentation of suitable identification, personnel from the City will be permitted to enter without delay for the purposes of performing their specific responsibilities.

816. PROTECTION FROM ACCIDENTAL DISCHARGES. Each user shall provide for accidental discharges of prohibited materials or other wastes regulated by this ordinance. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures to provide such protection shall be submitted to the City for review and shall be acceptable to the City before the construction of the facility.

The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section. Any industrial wastewater discharger who discharges or causes the discharge of prohibited wastewaters which cause damage to City facilities, detrimental effects on treatment processes or any other damages resulting in costs to the City, shall be liable to the City for all damages occasioned thereby.

817. CONFIDENTIAL INFORMATION. All information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive positions.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information.

Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless prior and adequate approval is given by the user.

818. SPECIAL AGREEMENTS. Special agreements and arrangements between the City and any persons or agencies may be established when, in the opinion of the City, unusual or extraordinary circumstances compel special terms and conditions. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment therefore by the industrial concern and subject to such terms and conditions as might be required by the City.

ARTICLE IX.
PERMITS AND REQUIREMENTS

901. PERMIT REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any sewer, any lateral or building sewer without first obtaining written permit from the City. All excavation for building sewers in public streets and easements shall require a permit from the Director of Public Works.

902. APPLICATION FOR PERMIT. Any person legally entitled to apply for and to receive a permit shall make such application on forms provided by the City for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Director of Public Works may require plans, specifications or drawings and such other information as he/she may deem necessary.

If the Director of Public Works determines that the plans, specifications, drawings, descriptions or information furnished by the applicant are in compliance with the ordinances, rules and regulations of the City, he/she shall issue the permit applied for upon payment of the required fees as hereinafter fixed.

903. COMPLIANCE WITH PERMIT. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, grade, materials or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the Director of Public Works or other authorized representatives.

904. AGREEMENT. The applicant's signature on an application for any permit, as for any permit, shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules, and regulations of the City, and with the plans and specifications he/she has filed with his/her application, if any, together with such corrections or modifications as may be made or permitted by the City, if any. Such agreement shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.

905. DISCHARGE REPORTS. The City may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The discharge report may include, but not be limited to, the nature of processing, the volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on the site even though they may not normally be discharged. In addition to such discharge reports, the City may require

information in the form of wastewater discharge permit applications and self-monitoring reports.

906. WASTEWATER DISCHARGE PERMITS.

(a) All critical users proposing to connect to or discharge into a community sewer shall obtain a wastewater discharge permit before connecting to or discharging into a community sewer. All existing critical users connected to or discharging into a community sewer shall obtain a wastewater discharge permit on or before January 31, 1986. For the purposes of this ordinance a critical user is defined as any user whose user classification is identified in Standard Industrial Classifications (SIC) Manual in any of Divisions A, B, D, E, and I and who:

- (1) Has the discharge flow of 50,000 gallons or more per average work day; or
- (2) Has a flow greater than five percent (5%) of the flow in the City's wastewater treatment system; or
- (3) Has in his/her wastes toxic pollutants in toxic amounts as defined in standards issued pursuant to the provisions of subsection (a) of Section 307 of the Federal Act; or
- (4) Is found by the Director of Public Works to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

(b) The City Clerk may issue a wastewater discharge permit to any user, upon an application, in accordance with the terms of this section, in the following categories:

- (1) A user who requires the user charges and fees to be based on an estimation of wastewater flow; and
- (2) Any user whose wastewater strength is less than the normal range for the user classification to which he/she is assigned because of pretreatment, process changes, or other reasons.

(c) Users seeking a wastewater discharge permit shall complete and file with the City Clerk an application in the form prescribed by the City Clerk and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (1) The name, address, and SIC number of the applicant;
- (2) The volume of wastewater to be discharged;
- (3) The wastewater constituents and characteristics, including, but not limited to, those set forth in Section 808 of Article VIII as determined by a laboratory approved by the City;

- (4) The time and duration of discharge;
 - (5) The average and thirty (30) minute peak wastewater flow rates, including the daily, monthly, and seasonal variations if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation;
 - (7) A description of the activities, facilities, and plant process on the premises, including all materials, processes, and types of materials which are or could be discharged;
 - (8) Each product produced by type, amount, and rate of production;
 - (9) The number and type of employees and hours of work; and
 - (10) Any other information which may be deemed by the City Clerk to be necessary to evaluate the permit application. The Director of Public Works shall evaluate the data furnished by the user and may require additional information. After the evaluation and acceptance of the data furnished, the Director of Public Works may issue a wastewater discharge permit subject to the terms and conditions set forth in this ordinance.
- (d) Wastewater discharge permits shall be expressly subject to all the provisions of this ordinance and all other regulations, user charges, and fees established by the City. The conditions of wastewater discharge permits shall be uniformly enforced by the Director of Public Works in accordance with the provisions of this ordinance and applicable state and federal regulations. Such permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (2) The average and maximum wastewater constituents and characteristics;
 - (3) The limits on the rate and time of discharge or requirements for flow regulations and equalization;
 - (4) Requirements for the installation of inspection and sampling facilities;
 - (5) Pretreatment requirements;
 - (6) Specifications for monitoring programs, which may include sampling locations, the frequency and method of sampling, the number, types, and standards for tests, and the reporting schedule;

- (7) Requirements for the submission of technical reports or discharge reports;
 - (8) Requirements for maintaining plant records relating to wastewater discharge as specified by the City and affording City access thereto;
 - (9) The mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined within Article VII and Article VIII) are proposed or present in the user's wastewater discharge; and
 - (10) Other conditions as deemed appropriate by the City to insure compliance with the provisions of this ordinance.
- (e) Such permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the City thirty (30) days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit. The user shall be informed of any proposed changes in his/her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (f) Wastewater discharge permits shall be issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operator.
- (g) Any user who violates the following conditions of the permit or of this ordinance, or applicable state and federal regulations, shall be subject to having his/her permit revoked:
- (1) The failure of a user to factually report the wastewater constituents and characteristics of his/her discharge;
 - (2) The failure of the user to report significant changes in operations or wastewater constituents and characteristics;
 - (3) The refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) The violation of the conditions of the permit.

907. **BOND PUBLIC SEWER CONSTRUCTION.** Prior to the issuance of a permit for public sewer construction, the applicant shall furnish to the City a Faithful Performance Bond or cash in the amount of the total estimated cost of the work; said bond to be secured by surety or sureties satisfactory to the City. This cash deposit or Faithful Performance Bond shall be conditioned upon the performance of the terms or conditions of the permit and shall guarantee the correction of faulty

workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

908. **ALL WORK TO BE INSPECTED.** All sewer construction work shall be inspected by an inspector acting for the City to ensure compliance with all requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City's public sewer until the work covered by the permit has been completed, inspected and approved by the City Department of Public Works. If the tests prove satisfactory and the sewer has been cleaned of all debris accumulated from construction operations, the Director of Public Works shall issue a Certificate of Satisfactory Completion.

909. **NOTIFICATION.** It shall be the duty of the person doing the work authorized by permit to notify the office of the City in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays and holidays excluded, before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the City before giving the above notification.

910. **CONDEMNED WORK.** When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the City.

911. **ALL COSTS PAID BY OWNER.** All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued, including the inspection, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the work.

912. **LIABILITY.** The City and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. Applicant shall be answerable for, and shall hold the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely responsible for any defects in the performance of his/her work or any failure that may develop therein.

913. **PERMIT TIME LIMIT.** If work under a permit be not commenced within six (6) months from the date of issuance or if after partial completion, the work be discontinued for a period of one (1) year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon issuance of said new permit, if required.

914. PERMITS FOR SEWERS OUTSIDE CITY LIMITS. Permission shall not be granted to connect any lot or parcel of land outside the City to any public sewer in or under the jurisdiction of the City unless a permit therefor is obtain. The applicant shall first enter into a contract in writing whereby he/she shall bind himself/herself, his/her heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith and drainage and connection therewith, and also shall agree to pay in advance all fees required for securing the permit and a monthly fee in the amount set by the City for the privilege of using such sewer. A granting of such permission, in any event, shall be optional with the City Council.

ARTICLE X. ENFORCEMENT

1001. VIOLATION. Any persons found to be violating any provisions of this or any other ordinance, rule or regulation of the City shall be served by an authorized person of the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two (2) nor more than seven (7) working days. The offender shall, within the period of time stated, in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the City. Upon being notified by the City of any defect arising in any sewer or of any violation of the ordinances, rules or regulations of the City, the person or persons having charge of said work shall immediately correct the same.

1002. INJUNCTION. Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City may petition the Superior Court for the issuance of a temporary, preliminary or permanent injunction, as may be appropriate in restraining the continuance of such discharge.

1003. DAMAGE TO FACILITIES. When a discharge of wastes causes an obstruction, damage, or any other impairment to the City facilities, the City may assess a charge against the user for the cost of the work required to clean or repair the facility and add such charge to the user's service charge.

1004. CORRECTION OF VIOLATIONS: COLLECTION OF COSTS: INJUNCTION. In order to enforce the provisions of this ordinance, the City may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the City shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The City may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued

violation of this ordinance.

1005. **FALSIFYING OF INFORMATION.** It shall be unlawful for any person to knowingly make any false statement, representation, record, report, plan or other document filed with City, or to falsify and tamper with, or knowingly render inaccurate any monitoring device or method required under this ordinance.

1006. **PUBLIC NUISANCE.** It is hereby declared that whenever any area in the City is provided with a sewerage system, the further maintenance or use of cesspools or other local means of sewage disposal is a public nuisance.

1007. **DISCONNECTION.** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the City, the Director of Public Works shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the City. On disconnection the Director of Public Works shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The City shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

1008. **PUBLIC NUISANCE ABATEMENT.** During the period of such disconnection, habitation of such premises by human being shall constitute a public nuisance, whereupon the City shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event and as a condition of reconnection, there is to be paid to the City a reasonable attorney's fee and costs of suit arising from said action.

1009. **MEANS OF ENFORCEMENT ONLY.** The City hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

1010. **LIABILITY FOR VIOLATION.** Any person violating any of the provisions of the ordinances, rules or regulations of the City shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

1011. **MISDEMEANOR.** A violation of this ordinance is a misdemeanor punishable as such.

1012. **ACCIDENTAL DISCHARGES.**

(a) Users shall notify the City immediately upon accidentally discharging wastes in violation of the provisions of this ordinance to enable countermeasures to be taken by the City to minimize damages to the community sewer, treatment facility, treatment processes, and the receiving waters. Such notification shall be followed, within fifteen (15) days after the date of the occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures

being taken to prevent future occurrences.

Such notification shall not relieve users of liability for any expense, loss, or damage to the sewer system, treatment plant, or treatment process or for any fines imposed on the City on account thereof pursuant to the provisions of Section 13350 of the Water Code of the state or for violations of the provisions of Section 5650 of the Fish and Game Code of the state.

(b) In order that employees of users be informed of City requirements, users shall make available to their employees copies of the provisions of this ordinance, together with such other wastewater information and notices which may be furnished by the City from time to time directed toward more effective water pollution control.

(c) Each user shall permanently post a notice advising employees of who to call in case of an accidental discharge in violation of the provisions of this ordinance.

(d) Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against the discharge of such wastes in violation of the provisions of this ordinance.

1013. **ISSUANCE OF CEASE AND DESIST ORDERS.** When the City finds that a discharge of wastewater has taken place in violation of the prohibitions or limitations of this ordinance or the provisions of a wastewater discharge permit, the Director of Public Works may issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the City; or
- (c) Take appropriate remedial or preventive action in the event of a threatened violation.

1014. **SUBMISSION OF TIME SCHEDULES.** When the City finds that a discharge of wastewater has been taking place in violation of the prohibitions or limitations prescribed in this ordinance, wastewater source control requirements, effluent limitations, pretreatment standards, or the provisions of a wastewater discharge permit, the City may require the user to submit for approval, with such modifications as the City deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of such requirements.

1015. **APPEALS.** Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Director of Public Works in interpreting or implementing the provisions of this ordinance, or any permit issued pursuant to the provisions of this ordinance, may file with the Director of Public Works a written request for

reconsideration within ten (10) days after such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the reconsideration ruling made by the Director of Public Works is unsatisfactory to the person requesting reconsideration, he/she may, within ten (10) days after notification of such ruling, file a written appeal to the Council. The written appeal shall be heard by the Council within thirty (30) days after the date of filing. The Council shall make a final ruling on the appeal within ten (10) days after the close of the meeting. The Director of Public Works' decision, action, or determination shall remain in effect during such period of reconsideration.

ARTICLE XI. FEES

1101. CONNECTION INSIDE THE CITY. In addition to any other charges established by the ordinances, rules and regulations of the City, there shall be collected prior to connection to the sanitary sewerage system of the City, a wastewater discharge permit fee for the privilege of such connection as follows:

- (a) any building requiring a four-inch (4") lateral sewer, the amount of
 - (1) \$3,206.06 connection fee;
 - (2) \$352.82 processing fee;
 - (3) \$767.00 to be deposited in a capital reserve fund; plus
 - (4) \$767.00 to be deposited in a capital reserve fund for: 1) each additional single-family unit if said building is a multiple dwelling; or 2) each single-family equivalent if the connection is non-residential. (Amended by Ord. 446)
- (b) Any building requiring a lateral sewer larger than four inches (4"), a wastewater discharge permit fee will be an amount, but not less than \$7,670.00, to be fixed by the Director of Public Works. It shall be an amount deemed necessary by the Director of Public Works to pay all engineering, monitoring, inspection, construction and other costs required to provide the lateral; plus an amount equal to the replacement value of the decrease in excess treatment plant capacity to be deposited in a capital reserve fund. (Amended by Ord. 446)

The fees outlined in paragraphs (a) and (b) above are bound to the July 1985 Engineering News Record Construction Cost Index and shall be adjusted up or down annually by the Director of Public Works at the beginning of each fiscal year based upon that cost index.

(c) The City shall install the lateral sewer to the property line. The lateral sewer installation fee, payable in advance for the installation of a lateral inside the City limits, will be based on the City's estimated actual cost of the total cost of all labor, materials, equipment, fees, expenses and all other costs incidental to the installation, and including ten percent (10%) as an additional service charge over the complete cost of the installation.

(d) Application for a wastewater discharge permit in accordance with Article IX of this ordinance shall be made on the form of Article XV of this ordinance. The application fee for all "critical users" will be \$1,000. The City will review the application and will establish the connection fee, which must be paid prior to approval of the permit. The connection fee will be established to pay for all City costs associated with an resulting from the connection of the "critical user" including monitoring and reporting expenses.

1102. CONNECTION OUTSIDE THE CITY. In addition to any other charges established by the ordinances, rules and regulations of the City, there shall be collected prior to connection to the sanitary sewerage system of the City, a permit fee for the privilege of such connection as follows:

(a) Any building requiring a four-inch (4") lateral sewer, the amount of

(1) \$3,847.27 connection fee;

(2) \$423.38 processing fee;

(3) \$920.40 to be deposited in a capital reserve fund; plus

(4) \$920.40 to be deposited in a capital reserve fund for: 1) each additional single-family unit if said building is a multiple dwelling; or 2) each single-family equivalent if the connection is non-residential. (Amended by Ord. 446)

(b) Any building requiring a lateral sewer larger than four inches (4"), a wastewater discharge permit fee will be an amount, but not less than \$9,000, to be fixed by the Director of Public Works. It shall be an amount deemed necessary by the Director of Public Works to pay all engineering, monitoring, inspection, construction and other costs required to provide the lateral; plus an amount equal to the replacement value of the decrease in excess treatment plant capacity to be deposited in a capital reserve fund. (Amended by Ord. 446)

The fees outlined in paragraphs (a) and (b) above are bound to the July 1985 Engineering News Record Construction Cost Index and shall be adjusted up or down annually by the Director of Public Works at the beginning of each fiscal year based upon that cost index.

(c) The City shall install the lateral sewer to the property line. The lateral sewer installation fee, payable in advance for the installation of a lateral outside the City limits, will be based on the City's estimated actual cost of the total cost of all labor, materials, equipment, fees,

expenses and all other costs incidental to the installation, and including twenty percent (20%) as an additional service charge over the complete cost of the installation.

1103. SPECIAL CONNECTION. In addition to any other charges established herein, the City may establish special connection charges for any sewer connection when, in the opinion of the City Council, the circumstances of such connection involve unusual conditions or otherwise necessitates the payment of charges over and above those established herein.

1104. PRIVATE SEWAGE DISPOSAL. A fee of \$1,500.00 shall be paid to the City for reviewing plans and specifications, issuing the permit and inspecting the installation of a private sewage disposal system inside the City limits. (Amended by Ord. 446)

1105. NO DIRECT DISCHARGE TO SEWER/TREATMENT PLANT. The City will not accept any direct discharge to the sewer treatment plant. (amended by Ord. 446)

1106. GARBAGE GRINDER FEE. The Director of Public Works will consider applications for the installation of garbage grinders per paragraph 702 of this ordinance. The City Clerk shall accept an application upon the filing of the application with an application fee of \$50. The Director of Public Works is to have developed any necessary monitoring program at applicant's expense, including monitoring, testing, inspections, reporting, review, engineering and administration costs but not less than \$100 per year. (amended by Ord. 446)

1107. CLASSIFICATION OF USERS. All users shall be classified by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises and based on the typical wastewater constituents and characteristics for that type of user as determined by the City. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control and to establish a system of user charges which will insure an equitable recovery of the City costs. Wastewater constituents and characteristics may include, but not be limited to, the following: quantity, suspended solids, BOD, COD, oil and grease, and chlorine demand.

1108. COMPLIANCE WITH STATE REGULATIONS. The charges and fees shall be established at a level which will enable the City to comply with any revenue requirements of the State Clean Water Grant Program, and the charges and fees shall be determined in a manner consistent with regulations of the Grant Program.

1109. SPECIAL SITUATIONS. Notwithstanding any other provision of this ordinance, the Council shall have the power to establish by resolution, or by agreement with the user, the wastewater discharge permit fee and the monthly sewer service charges applicable to any public corporation, political subdivision, city, county, district, state, the United States of America, or any department or agency thereof, or to any user outside the City limits at rates which include at least a ten percent (10%) surcharge and which may be different from those set forth in this ordinance. The

surcharge compensates the City for the lack of tax revenue collected from users outside the City limits.

1110. WASTEWATER VOLUME DETERMINATION.

(a) Metered water supply. User charges which are based on wastewater volumes shall be determined by the total amount of water used from all sources unless, in the opinion of the City, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources shall be determined by means of public meters or private meters installed and maintained at the expense of the user and approved by the City.

(b) Metered wastewater volume and metered diversions. For users where, in the opinion of the City, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the user charges and fees shall be determined by the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water shall be provided by the user if required by the Director of Public Works. The user may install a meter of a type and at a location approved by the City and at the user's installation, operation and maintenance expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Director of Public Works.

1111. ESTIMATED WASTEWATER VOLUME.

(a) For users where, in the opinion of the City, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Director of Public Works. Such estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinants of water use necessary to estimate the wastewater volume discharged.

(b) For users who, in the opinion of the City, divert a significant portion of their flow from a community sewer, the user charges may be based upon an estimate of the volume, prepared by the user, and may at the discretion of the Director of Public Works require the user to obtain a wastewater discharge permit and pay the applicable user charges. The estimate shall include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged. (Amended by Ord. 415)

1112. FEES - RESIDENTIAL RATE SCHEDULE.

(a) Annual sewer services charges inside and outside the City shall be as set forth in

Schedule 1, subject to an annual increase as set forth in Section 1120 of this Ordinance.

(b) Residential living units include mobilehomes and individual units in hotels, motels, and transient trailer camps and courts, which contribute only domestic sewage.

(Amended by Ord. 481)

1113. FEES - NON-RESIDENTIAL SERVICE RATE SCHEDULE.

(a) Sewer service charges shall be based on unit charges metered water use and an assigned sewage strength. The assigned strength shall be determined by the Public Works Director based on published data for similar establishments or historical data. This assignment may be waived if the user monitors the sewage loads at his/her own expense, and demonstrates to the satisfaction of the Director of Public Works that the average wastewater strength is different than the assigned values. The minimum sewer service charge will be no less than the amount listed in Schedule 1 as "New Rate Component" under the heading of "O&M" subject to an annual increase as set forth in Section 1120. (Amended by Ord. 449 and 476)

(b) In addition to the service charge described in subparagraph (a), each non-residential service user shall pay an additional flat monthly fee based upon the residential equivalent of the user's effluent strength as and for the user's share of the Capital Repair & Replacement portion of service fees. The residential equivalent shall be determined by the Director of Public Works based on published data for similar establishments or historical data. Residential equivalent shall be calculated in multiples of the Capital Repair & Replacement portion of the monthly residential rate (see Schedule 1). The determination of the Director of Public Works shall be subject to review on appeal to the City Council. Any appeal by a user shall be governed by the procedures set forth in Sections 760 through 765, inclusive, of Blue Lake Zoning Ordinance 382, as amended. (Amended by Ord. 481)

1114. FEES - INDUSTRIAL RATE SCHEDULE. Monthly sewer service charges shall be based on the actual volume and strength of sewage flows. Additional industrial wastewater charge includes an annual permit fee of Fifty Dollars (\$50) and a monitoring program charge as established in the approved Permit for Industrial Waste Discharge. Costs for equipment, testing and City expenses for the monitoring program established in the Permit for Industrial Waste Discharge shall be borne by the discharger.

1115. UNIT CHARGES. The unit charges for non-residential and industrial connections are as follows:

Chemical Oxygen Demand (COD)	-	\$0.36663 per pound
Total Suspended Solids (TSS)	-	\$0.36663 per pound
Flow *	-	\$0.00811 per cubic foot
Infiltration/Inflow (I/I)**	-	Flat Monthly Fee of \$9.16 for each service connection

*Based on total metered water consumption. Other methods of determining sewage flow such as deductive non-sewage meters (such as irrigation meters) or sewage flow meters may be allowed on approval of the Director of Public Works subject to terms in the discharge permit.

**The flat I/I fee is calculated at \$0.03390 per inch-foot based upon the average private building sewer of 265 inch-foot. An inch -foot is defined as the nominal diameter of a private building sewer in inches multiplied by the length in feet. (Amended by Ord. 452)

1116. **LARGE AND SEASONAL WASTEWATER DISCHARGERS.** Large dischargers are defined as those non-residential users whose peak daily flow exceeds five percent (5%) of the average dry weather flow of the City's treatment works. Seasonal dischargers are defined as those non-residential or industrial users with a minimum average monthly flow less than one-half (½) of the maximum average monthly flow. Non-residential large or seasonal dischargers shall obtain a Wastewater Discharge Permit. An additional monthly service charge shall be added to the conditions of the Permit for Waste Discharge for all large or seasonal dischargers to recover City costs associated with additional expenses incurred to operate wastewater collection, treatment and disposal facilities in response to the demands of the large or seasonal discharge.

1117. **BILLING FOR AND PAYMENT OF MONTHLY SEWER SERVICE CHARGES.**

(a) **Due dates.** All sewer service charges are due and payable at the office of the City Clerk on the date of mailing the bill. All sewer service charges shall become delinquent one month after the wastewater meter reading date for metered wastewater connections, and for all other connections, one month after the water meter reading date as provided in Blue Lake Water Ordinance No. 354, as amended from time to time. All bills delinquent one month or more shall be subject to a 10 percent (10%) finance charge for the first month and a two percent (2%) finance charge per month thereafter. (Amended by Ord. 404)

(b) **Billing.** All bills for such charges shall be issued by the City Clerk. They shall be combined with bills or statements for water services where the premises in question are connected to the water system. The bills shall state their purpose (water and sewer services) and shall list separately the charge for water service and the charge for sewer service and the total charge for both services. Neither charge may be paid separately from the other. If the real property with sewer service is not connected to the water system, a separate bill shall be rendered for sewer service only. All bills shall be for monthly or bimonthly periods. The City Clerk shall have the power to require any user to pay bills monthly if, in his/her discretion, monthly payments are required for the protection of the City.

1118. **PERSONS RESPONSIBLE FOR PAYMENT.** All sewer service charges shall be billed to the following persons:

(a) In the case of any person whose premises are connected with the water system, to the person who requested such connection to the water system, or his/her successor in interest, or to any

person requesting that such bill be charged to him/her; or

(b) In the case of any person whose premises are not connected to the water system, then to the person who requested such connection to the sewage works, or his/her successor in interest, or, if no such request was made, then to the owner of such premises on the date on which such premises are required by the provisions of this ordinance to connect to the sewage works, or to the successor in interest to such person, or to any person requesting that such bill be charged to him/her.

1119. CONNECTION TO CITY-OWNED PROPERTY. Notwithstanding any other provision of Sections 1101, 1102, or 1103 of this Article XI, FEES, whenever an application for connection to the sanitary sewerage system of the City is made by the lessee of real property owned by the City of Blue Lake and leased to such applicant pursuant to a lease in writing, such applicant shall have the option of paying the connection fee in advance, or of paying it over a period of time not longer than the initial term of the lease, plus a reasonable interest rate on the unpaid balance of such fee, upon such terms and conditions as are acceptable to the City Council of the City of Blue Lake. This section shall not relieve such applicant from the obligation to pay the full physical installation fee in advance. (Added by Ord. 406)

1120. On January 20th of each year, commencing January 20, 2007, each rate, fee, or charge established by this Ordinance and then in effect shall be subject to an increase. The amount of the increase shall be based upon the consumer price index (CPI) of the California Department of Industrial Relations, Division of Labor Statistics, for October, 2005 (all urban consumers) ("Base Index"). The increase shall be in the same proportion as the index price for the month of October just preceding the adjustment has increased over the Base Index. The increase of the fees, rates, and charges shall be the amount so determined, rounded to the nearest one cent. Any adjustment to the fees, rates, and charges as hereinbefore provided shall likewise be adjusted on January 20th of each succeeding year. If the index price has decreased, rates, fees, and costs will remain the same until the index price exceeds its previous high. The rate, fee, or charge shall not be subject to decrease under this section. (Amended by Ord. 481)

ARTICLE XII. MAIN EXTENSIONS

1201. EXTENSIONS REQUIRED. An applicant for a permit to connect a premises to a community sewer where the property upon which such premises is situated does not abut a community sewer shall deposit with the City the following sums: in the case of all applications for a new sewer main extension, a sum shall be advanced to the City based upon an estimate by the Director of Public Works of the total costs of all labor, materials, equipment, and other costs incidental to the main extension, plus twenty percent (20%) for general overhead, but excluding the

cost of oversizing sewer mains for the general benefit of the sewer collection system, but in no event shall the charge be less than One Thousand Dollars (\$1 ,000).

In lieu of the advance required by the provisions of this section, the Director of Public Works may require applicants for new sewer connections to make such sewer connections at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for such connections shall be furnished by the applicants. In addition, applicant will pay for all City expenses, including labor, materials, equipment, fees, and other costs incidental to the installation, and including a ten percent (10%) surcharge to reimburse City for administrative costs.

1202. EXTENSIONS BY THE APPLICANT. The Director of Public Works may require applicants for new sewer connections to make such sewer main extensions at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances all labor, materials, equipment, and other items necessary for the extension shall be furnished by the applicant. In addition, applicant will pay for all City expenses, including labor, materials, equipment, fees, and other costs incidental to the installation, and including a ten percent (10%) surcharge to reimburse City for administrative costs. Any extra costs incurred by the applicant in any oversizing of sewer mains required by the Director of Public Works for the general benefit of the sewer collection system may be reimbursed by the City in accordance with a written agreement with the applicant entered into prior to construction of such main extension.

1203. REPAYMENT FOR CONSTRUCTION. Whenever a property owner, including a subdivider, constructs a sewer main extension which can be used for the benefit of other properties, the City may collect, for a period not to exceed ten (10) years from the termination of construction, from any user of such extension a fee, prorated to the cost of the extension. That prorated cost shall be calculated using the following equation:

$$\frac{\text{Total Project x Cost x Length of Extension Fronting Property (ft.)}}{\text{Length of Entire Extension (ft.) x 2}}$$

If special circumstances warrant a revision of the formula, the City Council shall make that determination. Special circumstances may include, but not be limited to, a physical feature or zoning restriction which prohibits construction on a portion or all of one side of the street.

The prorated sum shall be paid to the City Water Department which, in turn, shall be paid by the Water Department to the owner or his/her assigns, who originally advanced funds for such extension. Where more than one owner contributed towards the construction of the extension, such sum shall be refunded to owners, or their assigns, prorata according to the amounts which they severally contributed toward the cost of the extension. The Water Department shall in no way be responsible for the payment or refund of monies, nor shall the City assume that refund payment equal the total cost of extension. Nor shall refund be made from any revenue derived from service or other City funds.

A main extension to an existing main shall be treated by the City as required by this section and other paragraphs of this ordinance.

At the time of hook-up application, the City Council will determine whether, and in what amount, a refund will be made to the owner or owners who have contributed toward the costs of a main extension. The Water Department is under no obligation to and is not responsible to assure the payments of any refunds. However, the City shall not approve any sewer service connections to main line extensions until a deposit in the amount, as calculated in this section, and subject to the time limit, be placed with the City.

Any sewer service connections made to main extensions within the City and paid for by the City are not subject to these refund provisions.

Sewer service connections made to main extensions outside of the City and paid for by the City or other parties are subject to these refund provisions. In the case that the City was financially responsible for the main line extensions, it shall be treated as if it were the developer under these provisions.

ARTICLE XIII. USE OF TAX ROLL

1301. PROCEDURE. When the City elects to use the tax roll on which general City taxes are collected for the collection of current or delinquent sewer service charges, proceedings therefor shall be had as now or hereafter provided therefor in Article L, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

1302. ALTERNATIVE. The powers authorized by this article shall be alternative to all other powers of the City and alternative to procedures adopted by the Council thereof for the collection of such charges.

1303. REPORT. If the proceedings are under the Health and Safety Code, a written report shall be prepared and filed with the Clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this ordinance.

1304. NOTICE. The Clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in the *Arcata Union*, a newspaper of general circulation printed and published in the county within which the City is wholly located. Prior to such election for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon to be

mailed to each person to whom any part or parcel of real property described in the report is assessed in the last equalized assessment roll on which general City taxes are collected, at the address shown on said roll or as known to the Clerk.

1305. HEARING. At the time of hearing, the Council shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

1306. FINAL DETERMINATION OF CHARGES. Upon the conclusion of the hearing on the report, the Council will adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.

1307. FILING OF REPORT WITH AUDITOR. On or before the 10th of August in each year following the final determination of the Council, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon over his/her signature that it has been finally adopted by the City Council of the City and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

1308. PARCELS OUTSIDE THE CITY. Where any such parcels are outside the boundaries of the City, they shall be added to the assessment roll of the City for the purpose of collecting such charges.

1309. PARCELS NOT ON ROLL. If the property is not described on the roll, the Auditor shall enter the description thereon together with the amounts of the charges, as shown on the report.

1310. LIEN. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The Tax Collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

1311. TAX BILL. Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the City, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

1312. COLLECTION. All laws applicable to the levy, collection and enforcement of general taxes of the City, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

1313. COMPENSATION OF COUNTY. The Tax Collector may, in his/her discretion, issue separate bills for such charges and separate receipts for collection on amount of such charges. If the charges are collected by the County for the City, the County shall be compensated for services

rendered in connection with the levy, collection and enforcement of such charges for the City in an amount to be fixed by agreement between the Board of Supervisors and the City Council of the City. The compensation shall not exceed one percent (1%) of all money collected. The compensation shall be paid into the County salary fund.

1314. USE OF REVENUES. Revenues derived under this ordinance shall be used only for the acquisition, construction or reconstruction, maintenance and operation of sanitation or sewerage facilities of the City and to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities and to repay federal, state, county or other loans or advances made to the City for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

ARTICLE XIV. MISCELLANEOUS PROVISIONS

1401. PROTECTION FROM DAMAGE. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City's sewer works. Any person violating this provision shall be subject to the penalties provided by law.

1402. POWERS AND AUTHORITIES OF INSPECTORS. The officers, inspectors, managers and any duly authorized employee of the City shall carry evidence establishing his/her position as an authorized representative of the City and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the City.

1403. RELIEF ON APPLICATION. When any person, by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to his/her premises, he/she may make written application to the Council, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

If such application be approved, the Council may, by resolution, suspend or modify the provision complained of as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

1404. RELIEF ON OWN MOTION. The Council may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended

or modified as applied to a particular premises and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

1405. PERMITS AND FEES. No public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the City or connected to the City system until a permit for the work has been obtained from the City and all fees paid in accordance with the requirements of Article IX of this ordinance.

1406. SEPARABILITY. If any section, subsection, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this ordinance or the application of such provisions to other persons or circumstances. The City Council hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

ARTICLE XV. INDUSTRIAL DISCHARGE PERMIT FORMS

1501. APPROVED FORMS. The approved forms (Parts A through G) on which application to the City for a required Permit for Industrial Waste Discharge is to be made, constitute the body of this article.

SCHEDULE 1

(Same as Schedule 1 attached to Ordinance 481)

CITY OF BLUE LAKE ORDINANCE NO. 481--SCHEDULE 1

**RESIDENTIAL SEWER RATES INSIDE AND OUTSIDE THE CITY LIMITS
EFFECTIVE MAY 20, 2006 TO JANUARY 19, 2007**

Monthly Residential Unit Rate	Rate Effective May 19, 2006	Rate Increase		New Rate by Component		T
		O & M	Capital Repair & Replacement	O & M	Capital Repair & Replacement	
	\$28.15	\$0.00	\$4.20	\$28.15	\$4.20	

**RESIDENTIAL SEWER RATES INSIDE AND OUTSIDE THE CITY LIMITS
EFFECTIVE MAY 20, 2007 TO JANUARY 19, 2008**

Monthly Residential Unit Rate	Rate Effective May 19, 2007	Rate Increase		New Rate by Component		T
		O & M	Capital Repair & Replacement	O & M	Capital Repair & Replacement	
	\$32.35*	\$0.00	\$4.20	\$28.15*	\$8.40*	

* Plus CPI increase of January 20, 2007, as applicable.

Note 1- On January 20th of each year, commencing January 20, 2007, both portions of the rate will be increased based upon the increase in the Consumer Price Index as set forth in Section 1120.